

Terrence J. Truax (*pro hac vice*)
ttruax@jenner.com
Charles B. Sklarsky (*pro hac vice*)
csklarsky@jenner.com
Michael T. Brody (*pro hac vice*)
mbrody@jenner.com
Gabriel A. Fuentes (*pro hac vice*)
gfuentes@jenner.com
JENNER & BLOCK LLP
353 North Clark Street
Chicago, Illinois 60654-3456
Telephone: (312) 222-9350
Facsimile: (312) 527-0484

ADDITIONAL COUNSEL IDENTIFIED
FOLLOWING SIGNATURE BLOCK

*Attorneys for Defendants Mitsubishi Electric Corporation,
Mitsubishi Electric US, Inc., and Mitsubishi Electric Visual
Solutions America, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

CRAGO d/b/a DASH COMPUTERS, INC., et al.,
on its own behalf and on behalf of similarly situated
parties,

Plaintiff,

v.

MITSUBISHI ELECTRIC CORPORATION, et al.,

Defendants.

MDL No. 1917

Case No. 3:14-cv-02058-JST

Master File No. 3:07-cv-05944-JST

**DECLARATION OF TERRENCE J. TRUAX
IN SUPPORT OF MITSUBISHI ELECTRIC
DEFENDANTS' MOTION FOR RELIEF
FROM NONDISPOSITIVE PRETRIAL
ORDER OF SPECIAL MASTER [DKT. 4802]]**

Judge: Hon. Jon S. Tigar

DECLARATION OF TERRENCE J. TRUAX

I, Terrence J. Truax, declare as follows:

1. I am an attorney licensed to practice law in the State of Illinois, and I am a partner at the law firm of Jenner & Block LLP, attorneys of record for defendants Mitsubishi Electric Corporation (“Mitsubishi Electric”), Mitsubishi Electric US, Inc. (“MEUS”), and Mitsubishi Electric Visual Solutions America, Inc. (“MEVSA”) (collectively, the “Mitsubishi Electric Defendants”). I submit this Declaration in support of Mitsubishi Electric’s Motion for Relief from Nondispositive Pretrial Order of Special Master [DKT. 4802]. I have personal knowledge of the facts set forth in this Declaration, and, if called as a witness, I could and would testify competently to such facts under oath.

2. Before the second deposition of Koji Murata, the Mitsubishi Electric Defendants’ counsel participated in a teleconference with Special Master Walker and the DPPs’ counsel on June 30, 2015 to discuss the scope of permissible deposition preparation for Mr. Murata. During the teleconference with the Special Master, the Special Master and the parties agreed to the following parameters for Mr. Murata’s deposition preparation: providing Mr. Murata with a copy of his deposition transcript and Judge Walker’s prior orders; discussing the general nature of depositions and the subjects likely to be raised during the deposition; and refraining from any discussion regarding the conversation during the break in the deposition or the specific document that was the subject of the examination after the break. The Mitsubishi Electric Defendants’ counsel complied with this agreement.

3. Attached to my Declaration as **Exhibit 1** is a true and correct copy of DPPs’ Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 4, 2015. The copy of this Motion—like the copies of the filings provided as Exhibits 2 through 5—does not include the exhibits that were attached to it and filed before Judge Walker, as the Mitsubishi Electric Defendants’ counsel is attempting to avoid burdening the Court with thousands of pages, many of which are irrelevant to the present motion. That said, the Mitsubishi Electric Defendants are providing copies of all exhibits cited in their Motion for Relief from Nondispositive Pretrial Order of Special Master and can provide any additional exhibits the Court wishes to review.

1 4. Attached to my Declaration as **Exhibit 2** is a true and correct copy of Mitsubishi Electric's
2 Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re
3 Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated
4 December 23, 2015.

5 5. Attached to my Declaration as **Exhibit 3** is a true and correct copy of DPPs' Reply in
6 Support of Their Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re:
7 Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated
8 January 8, 2016.

9 6. Attached to my Declaration as **Exhibit 4** is a true and correct copy of DPPs' Supplemental
10 Brief in Support of Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery
11 re Meetings with Competitors, Sales, and Destruction of Evidence and for Evidentiary Sanctions, dated
12 June 30, 2016.

13 7. Attached to my Declaration as **Exhibit 5** is a true and correct copy of Mitsubishi Electric's
14 Response to DPPs' Supplemental Brief in Support of Motion to Compel Mitsubishi to Provide Full and
15 Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence and
16 for Evidentiary Sanctions, dated July 21, 2016.

17 8. Attached to my Declaration as **Exhibit 6** is a true and correct copy of Exhibit 14 to
18 Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete
19 Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for
20 Evidentiary Sanctions, dated December 23, 2015.

21 9. Attached to my Declaration as **Exhibit 7** is a true and correct copy of Mitsubishi Electric's
22 Brief in Opposition to DPPs Motion to Compel Testimony and Other Evidence Sought in Deposition of
23 Koji Murata, dated February 6, 2015.

24 10. Attached to my Declaration as **Exhibit 8** is a true and correct copy of Exhibit 10 to
25 Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete
26 Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for
27 Evidentiary Sanctions, dated December 23, 2015.
28

11. Attached to my Declaration as **Exhibit 9** is a true and correct copy of Exhibit 12 to Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 23, 2015.

12. Attached to my Declaration as **Exhibit 10** is a true and correct copy of Exhibit 14 to DPPs' Motion to Compel Mitsubishi Electric to Supplement Answers to Interrogatories, dated December 18, 2014.

13. Attached to my Declaration as **Exhibit 11** is a true and correct copy of Exhibit 20 to DPPs' Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 4, 2015.

14. Attached to my Declaration as **Exhibit 12** is a true and correct copy of Exhibit 15 to DPPs' Motion to Compel Mitsubishi Electric to Supplement Answers to Interrogatories, dated December 18, 2014.

15. Attached to my Declaration as **Exhibit 13** is a true and correct copy of Exhibit 19 to DPPs' Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 4, 2015.

16. Attached to my Declaration as **Exhibit 14** is a true and correct copy of Exhibit 2 to DPPs' Reply Brief in Support of Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated January 16, 2015.

17. Attached to my Declaration as **Exhibit 15** is a true and correct copy of Exhibit 13 to Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 23, 2015.

18. Attached to my Declaration as **Exhibit 16** is a true and correct copy of Exhibit 10 to Mitsubishi Electric's Supplemental Brief re Depositions of Masahiko Konishi and Koji Murata, dated May 26, 2015.

1 19. Attached to my Declaration as **Exhibit 17** is a true and correct copy of Mitsubishi Electric's
2 Supplemental Brief re Depositions of Masahiko Konishi and Koji Murata, dated May 26, 2015.

3 20. Attached to my Declaration as **Exhibit 18** is a true and correct copy of Exhibit 7 to
4 Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete
5 Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for
6 Evidentiary Sanctions, dated December 23, 2015.

7 21. Attached to my Declaration as **Exhibit 19** is a true and correct copy of Exhibit 45 to DPPs'
8 Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with
9 Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 4, 2015.

10 22. Attached to my Declaration as **Exhibit 20** is a true and correct copy of Exhibit 1 to DPPs'
11 Supplemental Brief in Support of Motion to Compel Mitsubishi to Provide Full and Complete Responses
12 to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence and for Evidentiary
13 Sanctions, dated June 30, 2016.

14 23. Attached to my Declaration as **Exhibit 21** is a true and correct copy of Exhibit 8 to
15 Mitsubishi Electric's Response to DPPs' Supplemental Brief in Support of Motion to Compel Mitsubishi
16 to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and
17 Destruction of Evidence and for Evidentiary Sanctions, dated July 21, 2016.

18 24. Attached to my Declaration as **Exhibit 22** is a true and correct copy of Exhibit 34 to DPPs'
19 Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with
20 Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 4, 2015.

21 25. Attached to my Declaration as **Exhibit 23** is a true and correct copy of pages 1-8 and 23 of
22 the Transcript of the Videotaped Deposition of Kiyoshi Furukawa, held in Los Angeles, California on July
23 14, 2015.

24 26. Attached to my Declaration as **Exhibit 24** is a true and correct copy of Exhibit 6 to
25 Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete
26 Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for
27 Evidentiary Sanctions, dated December 23, 2015.

27. Attached to my Declaration as **Exhibit 25** is a true and correct copy of Exhibit 63 to DPPs' Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 4, 2015.

28. Attached to my Declaration as **Exhibit 26** is a true and correct copy of Mitsubishi Electric's Response to the DPPs' Motion to Compel Supplemental Responses, dated January 9, 2015.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed this 23rd day of September at Chicago, Illinois.

/s/ Terrence J. Truax

Terrence J. Truax

By: Terrence J. Truax

Charles B. Sklarsky

Michael T. Brody

Gabriel A. Fuentes

ADDITIONAL COUNSEL REFERENCED
FROM CAPTION PAGE

Brent Caslin (Cal. Bar. No. 198682)
bcaslin@jenner.com
JENNER & BLOCK LLP
633 West Fifth Street, Suite 3600
Los Angeles, California 90071
Telephone: (213) 239-5100
Facsimile: (213) 239-5199

Harold A. Barza (Cal. Bar. No. 80888)
halbarza@quinnemanuel.com
Kevin Y. Teruya (Cal. Bar. No. 235916)
kevinteruya@quinnemanuel.com
QUINN EMANUEL URQUHART
& SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone: (213) 443 3000
Facsimile: (213) 443 3100

Ryan S. Goldstein (Cal. Bar No. 208444)
ryangoldstein@quinnemanuel.com
QUINN EMANUEL URQUHART

1 & SULLIVAN, LLP
NBF Hibiya Building, 25F
2 1-1-7, Uchisaiwai-cho, Chiyoda-ku
Tokyo 100-0011, Japan
3 Telephone: +81 3 5510 1711
Facsimile: +81 3 5510 1712
4

Attorneys for Defendants
5 *Mitsubishi Electric Corporation, Mitsubishi*
Electric US, Inc., and Mitsubishi Electric
6 *Visual Solutions America, Inc*